

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

Robert Purbeck

Criminal Action No.

3:21-cr-0004-TCB-RGV

CONSENT ORDER

WHEREAS the discovery materials provided and otherwise made available to the Defendant by the United States in this case contain sensitive personally identifiable financial and health information pertaining to individuals who are not parties to the litigation (hereinafter “confidential personal information”); and

WHEREAS redaction of all potential confidential personal information in this voluminous production would be unduly burdensome, and would be subject to error given the volume of documentation involved in this production;

THEREFORE, IT IS HEREBY ORDERED pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure that:

1. Any and all materials and information provided by the United States to the Defendant containing confidential personal information are to be used by his counsel solely in this criminal case and for the purpose of preparing the Defendant’s defense, and that neither the Defendant, defense counsel, nor members of the defense team will disseminate, disclose, or provide discovery materials identified herein, to anyone who is not necessary to the preparation of the defense.

2. All discovery materials containing confidential personal information provided by the United States, regardless of whether such materials and information have or will be produced pursuant to Rule 16 or otherwise, shall not be left with the Defendant, or further disseminated by his counsel to any individual, organization, or other entity, other than: (1) members of the defense team, i.e., co-counsel, paralegals, investigators, litigation support personnel, and secretarial staff; (2) any experts or consultants retained to assist in the preparation of the defense in this criminal case; and (3) the Court, unless the confidential personal information identified herein is redacted from such materials. Upon any dissemination of the materials and information containing the confidential personal information identified herein to anyone other than the Court, defense counsel will inform the recipient of this Protective Order and the requirement to maintain the confidentiality of the information conveyed.

This Order does not prohibit defense counsel from displaying the materials to the Defendant via a virtual screen-share function or in person.

3. Defense counsel, any co-counsel, and any investigators may also display copies of any discovery containing the confidential personal information identified herein, to non-expert witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of this criminal case, and may do so without any notice to the United States. Defense counsel may also provide copies of discovery documents to witnesses in advance of meeting with them, so

long as the witnesses agree that they would not disseminate the documents, and so long as defense counsel retrieves all copies of the documents from the witness subsequent to meeting with them.

4. If Defendant's counsel desires to disclose any discovery or make available or communicate the content of such discovery containing the confidential personal information identified herein, to any other person not described in this Order or for any purpose other than the defense of this criminal case, Government's counsel must first be so advised and seek to reach an informal resolution of or agreement on the matter. If an agreement cannot be reached, Defendant's counsel shall apply to the Court for relief from this Order.

5. This ORDER governs the Defendant's and defense team's use of documents produced in this action from the United States, including documents that they might already possess prior to receiving discovery, or might obtain through other means.

6. This ORDER shall survive the final termination of this action, and that upon termination of this action and, upon the termination of any appeal, counsel for that Defendant shall return all copies of the discovery to the Government, or shall certify that said documents have been destroyed.

SO ORDERED THIS _____ day of March 2021.

RUSSELL G. VINEYARD
UNITED STATES MAGISTRATE JUDGE

Prepared by
Michael Herskowitz, AUSA
Consented to by:
Andrew Hall, Counsel for Defendant.